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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,558	12/31/2003	Ching-Tien Tsai	PUSA031128	5770
23595	7590	09/01/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			CHOI, JACOB Y	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/751,558	Applicant(s) TSAI, CHING-TIEN	
	Examiner Jacob Y. Choi	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/17/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: the phrase "*the main body and connected to the controller to control operation of the controller*" in lines 7-8 requires grammatical correction(s). Appropriate correction is required.
2. Claim 4 is objected to because of the following informalities: the phrase "*not triggered by the trigger by control of the photo control*" in lines 4-5 requires grammatical correction(s). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

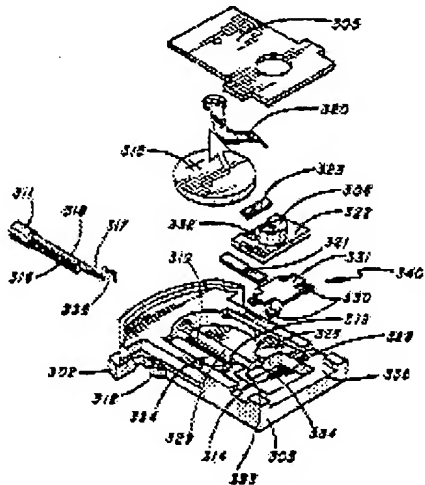
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 5, 9, 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldston et al. (USPN 6,017,128).

Regarding claim 1, Goldston et al. discloses a main body, a plurality of light emitting members (411) mounted on the main body (e.g., 30, 40), a controller (circuit) mounted on the main body and having a first side electrically connected to the light emitting members (311, 411) by conducting wires (e.g., 316, 317) and a second side electrically connected to a power supply (315), and a trigger (Figures 4, 9, & 14) mounted on the main body and connected to the controller to control operation of the controller.



Note: claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Regarding claim 4, Goldston et al. discloses the controller further includes a photo/display control circuit connected between the trigger circuit and the trigger, so that when a light source of the foot board is disposed at a sufficient state (ON / OFF), the trigger circuit of the controller is not triggered by control of the photo control circuit so as to save the electrical energy.

Regarding claim 5, Goldston et al. discloses the photo control circuit is a photo sensitive control member.

Regarding claim 9, Goldston et al. discloses the power supply contains a solar battery set.

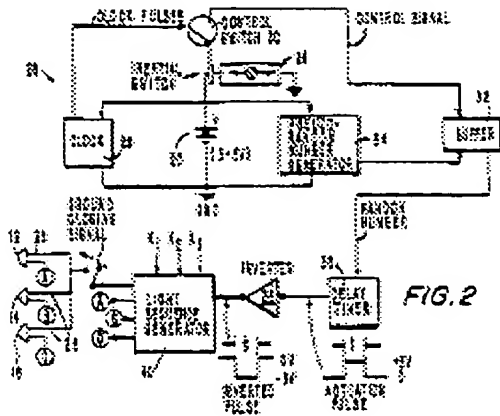
Regarding claim 11, Goldston et al. discloses the power supply contains an electric power supplier.

Regarding claim 12, Goldston et al. discloses each of the light emitting members is a light emitting diode (LED).

Regarding claim 13, Goldston et al. discloses the main body has a plurality of transparent portions each corresponding to a respective one of the light emitting members.

5. Claims 1-6, & 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Anteby et al. (USPN 6,280,045).

Regarding claim 1, Anteby et al. discloses a main body (10), a plurality of light emitting members (12, 14, 16) mounted on the main body (10), a controller (Figure 2) mounted on the main body (10) and having a first side electrically connected to the light emitting members (12, 14, 16) by conducting wires (26) and a second side electrically connected to a power supply (20), and a trigger (a motion responsive switch) mounted on the main body and connected to the controller to control operation of the controller.



Note: claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Regarding claim 2, Anteby et al. discloses the controller includes a program control circuit (40), a trigger circuit (a motion responsive switch) connected to the program control circuit (Figure 2), and an auto-switching (24 or ground closing signal) circuit having a first side connected to the program control circuit and a second side connected to the power supply.

Regarding claim 3, Anteby et al. discloses the controller further includes a signal amplifying circuit (36, 38) connected between the trigger circuit and the trigger.

Regarding claim 4, Anteby et al. discloses the controller further includes a photo/display control circuit connected between the trigger circuit and the trigger, so that when a light source of the foot board is disposed at a sufficient state (ON / OFF), the trigger circuit of the controller is not triggered by control of the photo control circuit so as to save the electrical energy.

Regarding claim 5, Anteby et al. discloses the photo control circuit is a photo sensitive control member.

Regarding claim 6, Anteby et al. discloses the controller further includes a drive circuit (40) connected between the program control circuit and the light emitting members.

Regarding claim 10, Anteby et al. discloses the power supply contains a dry battery set.

Regarding claim 11, Anteby et al. discloses the power supply contains an electric power supplier.

Regarding claim 12, Anteby et al. discloses each of the light emitting members is a light emitting diode (LED).

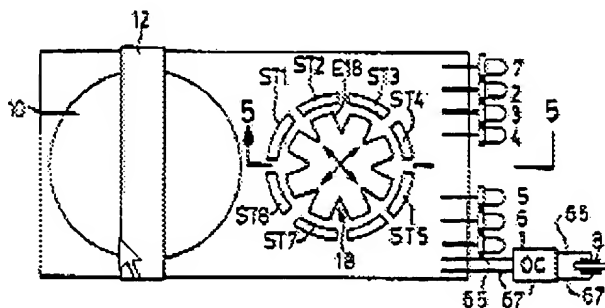
Regarding claim 13, Anteby et al. discloses the main body has a plurality of transparent portions each corresponding to a respective one of the light emitting members.

6. Claims 1-8, & 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodgers (USPN 6,164,794).

Regarding claim 1, Rodgers discloses a main body (Figures 1 & 2), a plurality of light emitting members (1) mounted on the main body, a controller (Figures 3 & 6) mounted on the main body and having a first side electrically connected to the light emitting members (1) by conducting wires and a second side electrically connected to a

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power supply (e.g., [0014], [0020], & [0027]), and a trigger ("Load Sensor") mounted on the main body and connected to the controller to control operation of the controller.



Note: claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Regarding claim 2, Rodgers discloses the controller includes a program control circuit (Figures 8, 10, 13), a trigger circuit ("motion sensor switch") connected to the program control circuit, and an auto-switching circuit (Figure 3; "YES & NO") having a first side connected to the program control circuit and a second side connected to the power supply.

Regarding claim 3, Rodgers discloses the controller further includes a signal amplifying circuit (Figure 10) connected between the trigger circuit and the trigger.

Regarding claim 4, Rodgers discloses the controller further includes a photo/display control circuit connected between the trigger circuit and the trigger, so that when a light source of the foot board is disposed at a sufficient state (e.g., Figures 11, 12, & 22), the trigger circuit of the controller is not triggered by control of the photo control circuit so as to save the electrical energy.

Regarding claim 5, Rodgers discloses the photo control circuit is a photo sensitive control member.

Regarding claim 6, Rodgers discloses the controller further includes a drive connected between the program control circuit and the light emitting members (Figure 13).

Regarding claim 7, Rodgers discloses a sound emitter mounted on the main body and connected to the controller by an audio drive circuit (Figure 8).

Regarding claim 8, Rodgers discloses the audio drive circuit includes an audio circuit, and an audio amplifying circuit.

Regarding claim 10, Rodgers discloses the power supply contains a dry battery set.

Regarding claim 11, Rodgers discloses the power supply contains an electric power supplier.

Regarding claim 12, Rodgers discloses each of the light emitting members is a light emitting diode (LED).

Regarding claim 13, Rodgers discloses the main body has a plurality of transparent portions each corresponding to a respective one of the light emitting members (shown in Figures 1 & 2).

7. Claims 1-8, & 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kohn et al. (US 2004/0222026).

Regarding claim 1, Kohn et al. discloses a main body (Figure 2), a plurality of light emitting members (Figure 1, segment type LED display) mounted on the main body, a controller (Figure 4) mounted on the main body and having a first side electrically connected to the light emitting members (2 or 3) by conducting wires and a second side electrically connected to a power supply (e.g., [0014], [0020], & [0027]), and a trigger ("Load Sensor") mounted on the main body and connected to the controller to control operation of the controller.

Note: claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Regarding claim 2, Kohn et al. discloses the controller includes a program control circuit (Figure 3), a trigger circuit ("Load Sensor") connected to the program control circuit, and an auto-switching circuit (Figure 3; "YES & NO") having a first side connected to the program control circuit and a second side connected to the power supply.

Regarding claim 3, Kohn et al. discloses the controller further includes a signal amplifying circuit (2 or 3) connected between the trigger circuit and the trigger.

Regarding claim 4, Kohn et al. discloses the controller further includes a photo/display control circuit connected between the trigger circuit and the trigger, so that when a light source of the foot board is disposed at a sufficient state (265, 215, 230, 260, 245, 250), the trigger circuit of the controller is not triggered by control of the photo control circuit so as to save the electrical energy.

Regarding claim 5, Kohn et al. discloses the photo control circuit is a photo sensitive control member.

Regarding claim 6, Kohn et al. discloses the controller further includes a drive connected between the program control circuit and the light emitting members (Figure 1; segment type LED display).

Regarding claim 7, Kohn et al. discloses a sound emitter mounted on the main body and connected to the controller by an audio drive circuit (340).

Regarding claim 8, Kohn et al. discloses the audio drive circuit includes an audio circuit, and an audio amplifying circuit (350).

Regarding claim 10, Kohn et al. discloses the power supply contains a dry battery set.

Regarding claim 11, Kohn et al. discloses the power supply contains an electric power supplier.

Regarding claim 12, Kohn et al. discloses each of the light emitting members is a light emitting diode (LED).

Regarding claim 13, Kohn et al. discloses the main body has a plurality of transparent portions each corresponding to a respective one of the light emitting members (shown in Figures 1 & 2).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldston et al. (USPN 6,017,128).

Regarding claim 9, Goldston et al. discloses the claimed invention except for the specific types of a power source/supply.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a common solar battery set, since the examiner takes Official Notice of the equivalence of dry battery set and solar battery set for there use in the general illumination art and the selection of any of these known equivalents to increase the life of the battery power by providing a solar battery set would be within the level of ordinary skill in the art. Also, applicant has not disclosed that utilizing a solar battery set solves any stated problem or is for any particular purpose other then well known facts to a solar battery set and it appears that the invention would perform equally well with dry battery set of Goldston et al.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohn et al. (US 2004/0222026).

Regarding claim 9, Kohn et al. discloses the claimed invention except for the specific types of a power source/supply.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a common solar battery set, since the examiner takes

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Official Notice of the equivalence of dry battery set and solar battery set for there use in the general illumination art and the selection of any of these known equivalents to increase the life of the battery power by providing a solar battery set would be within the level of ordinary skill in the art. Also, applicant has not disclosed that utilizing a solar battery set solves any stated problem or is for any particular purpose other then well known facts to a solar battery set and it appears that the invention would perform equally well with dry battery set of Kohn et al.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anteby et al. (USPN 6,280,045).

Regarding claim 9, Anteby et al. discloses the claimed invention except for the specific types of a power source/supply.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a common solar battery set, since the examiner takes Official Notice of the equivalence of dry battery set and solar battery set for there use in the general illumination art and the selection of any of these known equivalents to increase the life of the battery power by providing a solar battery set would be within the level of ordinary skill in the art. Also, applicant has not disclosed that utilizing a solar battery set solves any stated problem or is for any particular purpose other then well known facts to a solar battery set and it appears that the invention would perform equally well with dry battery set of Anteby et al.

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12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers (USPN 6,164,794).

Regarding claim 9, Rodgers discloses the claimed invention except for the specific types of a power source/supply.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a common solar battery set, since the examiner takes Official Notice of the equivalence of dry battery set and solar battery set for their use in the general illumination art and the selection of any of these known equivalents to increase the life of the battery power by providing a solar battery set would be within the level of ordinary skill in the art. Also, applicant has not disclosed that utilizing a solar battery set solves any stated problem or is for any particular purpose other than well known facts to a solar battery set and it appears that the invention would perform equally well with dry battery set of Rodgers.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Montagonino et al. (USPN 6,781,067) – floor tile scale with wall display

Konikoff et al. (USPN 4,340,929) – illuminated portable floor

Wei (USPN 6,764,193) – full-color shoe light device

Bailey, Jr. (USPN 6,802,636) – illuminated recreational board

Saikawa et al. (US 2003/0160783) – image processing unit, image processing method and medium, and game machine

Johnson (USPN 5,019,950) – timed bedside night light

Chiang et al. (USPN 5,188,447) – illuminating system

Goldston et al. (USPN 5,546,681) – footwear with flash lights


Chien (USPN 5,599,088) – flashing footwear light module

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC


JOHN ANTHONY WARD
PRIMARY EXAMINER